

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services- Prisons Department – Sri P. Sudhakar, Warder, Central Prison, Kadapa - Regulating the period of suspension from 14-06-1999 to 12-12-1999 and period of dismissal period from 13-12-1999 to 24-11-2002 as not on duty - Orders – Issued.

HOME (PRISONS. A) DEPARTMENT

G.O. Rt. No. 718

Date: 29-04-2010

Read the following:-

1. G.O. Ms. No. 320, Home (Prisons. A) Department, dated 22-10-2002.
2. From the DG&IGP&CS., AP., Hyderabad, Lr No. EA4/557/2009, dated 16-12-2009

ORDER :

In the reference 2nd read above, the DG & IGP & CS., AP., Hyderabad, has forwarded the representation of Sri P. Sudhakar, Warder, Central Prison, Kadapa, wherein the incumbent has requested the Government for regularization of his period of suspension from 14-06-1999 to 12-12-1999 and period of dismissal period from 13-12-1999 to 24-11-2002 with pay and allowances.

2. Sri P. Sudhakar, Warder, while working at Central Prison, Hyderabad, was placed under suspension by the Superintendent, Central Prison, Hyderabad, on 14-06-1999 in connection with his assault on Sri T. Lathur Paul, the then Deputy Jailor. Besides criminal case in FIR No. 62/1999 U/s 332 IPC, Dabeerpura Police Station, Hyderabad, the individual was dealt with departmental action under rule 20 of A.P. Civil Services (CC&A) Rules, 1991 and awarded the penalty of "dismissal from service" by the Superintendent, Central Prison, Hyderabad, for the delinquency held proved under the following article of charges framed against him.

1. That Sri P. Sudhakar, Warder, Central Prison, Hyderabad, has absented himself unauthorisedly from the Main Gate Armed Sentry night duty on 12-06-1999 and thereby contravened Rule 90 of A.P. Prison Rules, 1979, and Rule 4 of APCS (Conduct) Rules, 1964.
2. That Sri P. Sudhakar, Warder, came to the Jail on 13-06-1999 morning when Sri T. Luther Paul, Deputy Jailor, asked him to see the Jailor, he scolded the Duty Officer in unparliamentary language and bet him mercilessly with his baton. This amounts to grave misconduct and violation of Rule 89 & 95 of A.P. Prison Rules, 1979 and Rule 3 of APCS (Conduct) Rules, 1964.

3. The Hon'ble APAT., Hyderabad, in OA No. 676 of 2001 has directed the DIG of Prisons (TR), Hyderabad, to review the order of dismissal keeping in view of the fact that the individual has been acquitted in the criminal case. Accordingly, the DIG of Prisons (TR), Hyderabad, has reviewed the case and concluded that the acquittal in criminal case was made on benefit of doubt and further the charges in the criminal case were only similar to that of Article of Charge No. 2

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and the delinquency under Article of Charge No. 1 was different. Hence, the DIG of Prisons (TR) dismissed the appeal of the individual and confirmed the penalty of "dismissal from service" vide his proceedings, dated 18-04-2001. The appeal petition filed before the DG & IGP & CS., AP., Hyderabad, was rejected vide proceedings No. EA4/72/2001, dated 25-09-2001.

4. Aggrieved by the above order of dismissal from service Sri P. Sudhakar, Ex-Warder, filed revision petition before the Government on 08-10-2001. Government after careful examination of the case have observed that the punishment of dismissal from service was disproportionate to the offence and however the individual was guilty for his unauthorized absence. Accordingly, in the reference 1st read above, Government have reduced the punishment of dismissal from service to that of "stoppage of three annual grade increments without cumulative effect" duly reinstating the individual into service. The individual has reported for duty at Central Prison, Visakhapatnam, on 25-11-20002.

5. Sri P. Sudhakar, Warder, Central Prison, Kadapa, in his representation, dated 15-09-2009, has requested the Government for regularization of his period of suspension from 14-06-1999 to 12-12-1999 and period of dismissal period from 13-12-1999 to 24-11-2002 with pay and allowances.

6. Government, after careful examination of the matter, have concluded that the individual has not been fully exonerated from the departmental proceedings and as the disciplinary case was ended with imposition of punishment the period of suspension and period of dismissal in case of Sri P. Sudhakar, Warder, are justified. Hence, it has been decided to regulate the period of suspension from 14-06-1999 to 12-12-1999 and period of dismissal period from 13-12-1999 to 24-11-2002 as NOT ON DUTY under Rule 54 of FR.

7. Accordingly, Government hereby order to regulate the period of suspension from 14-06-1999 to 12-12-1999 and period of dismissal period from 13-12-1999 to 24-11-2002 in respect of Sri P. Sudhakar, Warder, as NOT ON DUTY under Rule 54 of FR.

8. The DG&IGP&CS., AP., Hyderabad, is, therefore, directed to take necessary action accordingly.

9. The order issues with the concurrence of Finance (FR-II) Department vide their UO No. 4334/72/FR.II/10, dated 23-03-2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJAY MISRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General & Inspector General of Prisons,
& Correctional Services Andhra Pradesh, Hyderabad.

The individual **through** the DG&IGP&CS.,
A.P., Hyderabad.

// FORWARDED :: BY ORDER //

SECTION OFFICER